

C O U N C I L C O M M U N I C A I O N

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TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
DECEMBER 19, 1990

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SUBJECT: ADOPTION OF ORDINANCE NO. 1502 - AN ORDINANCE OF THE LODI CITY COUNCIL ADDING
 CHAPTER 9.28 TO THE LODI MUNICIPAL CODE RELATING TO GRAFFITI ABATEMENT

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Ordinance No. 1502 - *An Ordinance of the Lodi City Council Adding Chapter 9.28 to the Lodi Municipal Code Relating to Graffiti Abatement" was introduced at the regular meeting of the Lodi City Council held November 28, 1990.

Pursuant to State statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the Lodi City Council to adopt Ordinance No. 1502.


Alice M. Reimche
City Clerk

AMR/jmp

COUNC047/TXTA.025

ORDINANCE NO. 1502

AN ORDINANCE OF THE LODI CITY COUNCIL
ADDING CHAPTER 9.28 TO THE LODI MUNICIPAL CODE
RELATING TO GRAFFITI ABATEMENT

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Chapter 9.28, Graffiti Abatement, is hereby added to the Lodi Municipal Code to read **as follows:**

Chapter 9.28
GRAFFITI ABATEMENT

9.28.010 FINDINGS.

The City Council finds that graffiti on public and private property contributes to the creation of blight, negatively affects the value of surrounding property, visually detracts from neighborhoods and generally lowers **the** quality **of** life in the City. The Council further finds that graffiti is often related to the activities or territories of street gangs and its presence encourages proliferation of additional graffiti unless abated promptly. To promote the health, safety and welfare of the public, this ordinance is adopted to alleviate vandalism and halt the spread of **such** nuisances.

9.28.020 DEFINITIONS.

1. "Graffiti" means the unauthorized placing upon any public or private building, fence, structure or other property of any message, words, letters, pictures, **symbols** or other marking by

scratching, carving, the spraying of paint, or the use of **chalk**, dye or other similar substance.

2. "Responsible party" means the owner, manager, or person in lawful possession of property upon which graffiti has been placed,
3. "**Unauthorized**" means without the explicit consent of the **owner** or person in possession of or responsible party for the affected private property or the public official responsible for public property, to any act described in this ordinance.

9.28 .030 GRAFFITI PROHIBITED.

It shall be unlawful for any person to scratch, carve, paint, chalk or otherwise apply any unauthorized graffiti on any public or privately-owned building, fence, structure or other property.

9.28.040 REMOVAL OF GRAFFITI.

When graffiti or other inscribed material is capable of being viewed from a public right of way or any place the public has a right to be, and the responsible party consents thereto or requests the cooperation of the City, the Public Works Director may provide for the removal of such graffiti. **I**f the Director provides for such removal, he or she shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that necessary to cover the graffiti. Prior to graffiti abatement by the Public Works Department, the responsible party shall be required to execute a written release,

holding the City harmless and acknowledging that the covering paint may not match the color of the structure upon which it is placed.

SECTION 9.28.050 SALE OR POSSESSION OF PRESSURIZED PAINT CANS.

It shall be unlawful in the City of Lodi for any person to sell, give, loan, exchange, or cause or permit to be sold, given, loaned or exchanged any pressurized can(s) containing any substance commonly known as paint or dye to any person under the age of eighteen (18) years, unless such person is the parent or legal guardian of such minor. No person under the age of eighteen (18) years shall purchase any pressurized can(s) containing paint or dye.

9.28.060 POSSESSION OF SPRAY PAINT IN PUBLIC PARK, SQUARE,
PLAYGROUND, SWIMMING POOL OR RECREATIONAL FACILITY.

No person shall have in his or her possession any pressurized can(s) containing paint or dye while in any City-owned public park, square, playground, swimming pool or recreational facility of the City.

9.28.070 EXEMPTIONS.

The provisions of this chapter regulating the sale, furnishing or possession of spray paint shall not apply to:

- (a) authorized employees of the City of Lodi;
- (b) persons or firms under contract with the City while engaged in authorized activities under such contract;

(c) employees or agents of a firm or business utilizing such items in the normal course of business, while actually engaged in such employment activities.

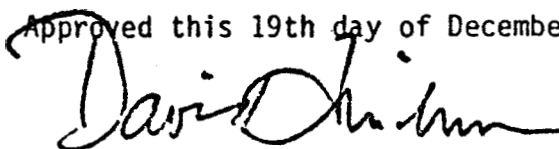
9.28.080 PENALTY.

A violation of this chapter shall be an infraction, punishable by a fine not exceeding five hundred dollars.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 19th day of December, 1990



DAVID M. HINCHMAM
Mayor of the City of Lodi

ATTEST: .



ALICE M. REIMCHE

City Clerk of the City of Lodi by: Jennifer M. Perrin, Deputy City Clerk

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State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1502 was introduced at a regular meeting of the City Council of the City of Lodi held November 28, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held December 19, 1990 by the following vote:

ORD1502/TXTA.02J